

1 MYRNA L. JOHNSON v. FRED MEYER STORES, INC.

2 ASCHR No. C-02-132

3 AFFIDAVIT OF SARAH DEXTER

4  
5 I, Sarah Dexter, being first duly sworn upon oath, depose and state as follows:

6 1. I am more than 19 years of age, and competent to testify regarding these  
7 matters, based on personal knowledge and belief.

8 2. My mailing address is P.O. Box 33004, Juneau, AK 99803.

9 3. I first joined the Juneau store of Fred Meyer, Inc. ("Juneau Store") in July of  
10 1995 as a shoe clerk, which was a part-time (twenty-four hour a week) position.

11 4. Since commencing my employment with the Juneau Store, I have served as  
12 the Children's Section Head and the Accessories Section Head.

13 5. Ms. Johnson became my supervisor when she was promoted to the Third  
14 Assistant at the Juneau Store.

15 6. I interacted with Ms. Johnson on almost a daily basis until she was  
16 terminated from the Juneau Store.

17 7. Ms. Johnson was an excellent manager. She was pleasant, dressed  
18 professionally, was hardworking and had very good people skills - in fact, she was  
19 excellent at motivating the employees that she supervised.

20 8. Ms. Johnson was loyal to the Juneau Store, her supervisors, and was a  
21 valued employee.

22 9. When Mr. San Miguel, her supervisor, was going through a divorce a year or  
23 two ago, he would cry at work and sometimes be absent from work. Myrna was very  
24 helpful to him during this time and picked up his duties when he was too distraught to  
25 work.

26 10. After San Miguel went through his divorce, he started asking employees to  
27 find him dates. He asked me to get him dates and I know Julita Lim, another employee,  
28

Exhibit  
page 14 of 18

BAXTER BRUCE BRAND P.C.

P.O. BOX 33019

JUNEAU, ALASKA 99803-2019

Telephone (907) 586-2166

Fax/Facsimile (907) 586-1315

1 fixed him up on some dates.

2 11. On one occasion, San Miguel saw a good-looking girl outside the stockroom  
3 talking to an employee and I heard him say that "if she wants a job, I will give it to her  
4 now."

5 12. San Miguel also hired a good-looking young Hispanic woman -- named  
6 Angela or Angelica -- and I observed him flirting with her on a number of occasions.

7 13. San Miguel cut the hours of other employees so he could give  
8 Angela/Angelica a job. In fact, Angela/Angelica was given forty hours a week to work  
9 but he did not put her on the schedule as a full-time employee, probably since she was  
10 working hours that had been taken away from other employees.

11 14. In January of 2002, Myrna had some problems with her daughter. I did not  
12 notice any change in the quality of her work, her loyalty to the Juneau Store, or her  
13 interactions with others during this time. In fact, I did not even know Myrna was having  
14 serious problems with her daughter until I learned she was taking family medical leave to  
15 deal with those issues, because she really managed to keep her personal problems out of  
16 the workplace.

17 15. When Ms. Johnson went on leave in January, I was there when San Miguel learned  
18 that Fred Meyer, Inc. was sending an employee from another store to fill-in during  
19 Myrna's absence. San Miguel said, "if it is a woman, send somebody young and  
20 beautiful" and "not a hag."

21 16. Johnna Havard, a young and attractive female who is about twenty-two  
22 years old, was sent from another Fred Meyer store in Alaska to the Juneau Store while  
23 Myrna was on leave to assist San Miguel.

24 17. Shortly before Ms. Johnson returned from leave, Johnna Havard remarked to  
25 me that she thought she would take the Assistant's job and I was under the impression  
26 that San Miguel had offered her that job.

27 18. I had heard from others that Johnna and San Miguel were socializing outside  
28 of the office, although I have no personal knowledge of this.

1 19. On March 12, 2002, Myrna returned from her leave of absence, and I was  
 2 present when San Miguel first saw her. He was with Johnna Havard; he spoke to Myrna  
 3 but did not introduce her to Johnna. In fact, I thought it very odd that he was so  
 4 unfriendly towards Myrna.

5 20. When I learned that Myrna had been given the night schedule on her return,  
 6 I also found that unusual. Myrna previously had the daytime shift and normally, the  
 7 Second Assistant (Myrna's job) would not have been given the closing shift. Instead,  
 8 Ms. Havard would have been assigned to that shift

9 21. I also found it unusual that San Miguel gave Johnna the PIC phone  
 10 ("person-in-charge" phone) rather than Myrna, as normally the second in command  
 11 would be given the PIC phone.

12 22. Each of these actions contributed to my impression that San Miguel was  
 13 trying to replace Myrna with Ms. Havard.

14 23. Shortly after Ms. Johnson returned to work from her leave of absence, I told  
 15 her that Johnna was after her job, based upon what I had heard from Johnna and had  
 16 observed.

17 24. On Sunday, March 17, 2002, Minerva Cortez - another employee - informed  
 18 me that I was to write up anything wrong I had noticed about the previous evening's  
 19 "recovery." The term "recovery" at the Juneau Store means that the store merchandise  
 20 was in order when the store closed.

21 25. Ms. Cortez gave me a different Office Vision address (like an e-mail address)  
 22 for San Miguel that only he could view in connection with this instruction. This was not  
 23 the normal procedure, as typically a message would be sent to San Miguel and all other  
 24 managers. I learned from other employees that they too had received a similar message.

25 26. I had never received a similar instruction emanating from San Miguel,  
 26 although recovery is frequently an issue at the Juneau Store.

27 27. I responded to San Miguel's instruction by telling him that I felt the  
 28 department I was responsible for in the Juneau Store had looked good when I had arrived

Exhibit  
 page 16 of 18

1 for the daytime shift.

2 28. After Myrna was terminated, a co-worker of mine sent several e-mails to San  
3 Miguel complaining about recovery at the Juneau Store after Myrna's departure but San  
4 Miguel never did anything about the recovery issues despite those e-mails.

5 29. I am aware that there were recovery issues concerning an employee named  
6 Julita Lim, but she told me that she was never written up or reprimanded for doing an  
7 inadequate "recovery."

8 30. I was present when Ms. Johnson returned from the meeting on March 18,  
9 2002 with Fred Sayre and San Miguel in which she was written up; Ms. Johnson was  
10 crying and finally went home because she was so upset.

11 31. When a co-worker learned that Myrna had been written up, she remarked  
12 that San Miguel "got what he wanted" - a veiled reference to replacing Myrna with  
13 Johnna.

14 32. Johnna was offered Myrna's job that same day (March 18, 2002) or the very  
15 next day.

16 33. In a meeting San Miguel held with Sixta Catli and myself shortly after Myrna  
17 was terminated, I questioned San Miguel about his treatment of Myrna. He claimed she  
18 had "quit" and he "had no control over this" and "it was not his fault".

19 34. During my employment at the Juneau Store, I have observed that it is useless  
20 to complain to Fred Sayre, the Juneau Store manager, since nothing ever happens. An  
21 employee will go to Fred Sayre with a complaint, and then never hear anything more.

22 35. Since San Miguel has been the Apparel Manager, the individuals he has  
23  
24  
25  
26  
27  
28

BAUER BRUCE BRAND & DOUG

P.O. BOX 52019  
JUNEAU, ALASKA 99803-2019

Telephone (907) 205-2100  
Facsimile (907) 205-2101

Exhibit  
page 17 of 18

1 hired to work for him have, in all but one instance, been young women considerably  
2 younger than forty (40) years of age.

3 FURTHER your affiant sayeth naught.

4 DATED this 24 day of October, 2002.

5 Sarah Dexter  
6 Sarah Dexter

7 SUBSCRIBED and SWORN TO before me this 24<sup>th</sup> day of Oct, 2002.

8 Paul J. Dierfeld  
9 Notary Public, State of Alaska  
10 My commission expires: May 9, 2002

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
BAYLER BRUCE BRAND & DOUG  
P.O. BOX 32019  
JUNEAU, ALASKA 99803-2019  
Telephone (907) 796-3199  
Facsimile (907) 796-1513

Exhibit  
page 18 of 18